

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA

v.

CHANGE OF PLEA HEARING MINUTES

THEODORUS SHIM

Case No. 18-CR-149

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: February 6, 2020
Deputy Clerk: Cheryl

Time Called: 3:01 p.m.
Time Concluded: 3:40 p.m.
Tape: 020620

Appearances:

UNITED STATES OF AMERICA by:	William J. Roach
THEODORUS SHIM in person and by:	Daniel H. Sanders
US PROBATION OFFICE by:	Brian Koehler
INTERPRETER: None	<input type="checkbox"/> Interpreter Sworn

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|---|--|
| <input checked="" type="checkbox"/> Defense counsel advises that defendant wishes to enter a plea of guilty
<input checked="" type="checkbox"/> Plea agreement filed
<input checked="" type="checkbox"/> Defendant has reviewed plea agreement with counsel and is satisfied w/representation
<input checked="" type="checkbox"/> Defendant sworn
<input checked="" type="checkbox"/> Defendant advised that false statements made under oath may result in prosecution for perjury
<input checked="" type="checkbox"/> Court questions defendant as to background, education, medical history, drug usage | <input checked="" type="checkbox"/> Court advises defendant as to:
<input checked="" type="checkbox"/> Elements of the offense
<input checked="" type="checkbox"/> Maximum penalties
<input type="checkbox"/> Mandatory minimum sentence
<input type="checkbox"/> Forfeiture provision
<input checked="" type="checkbox"/> Sentencing guidelines
<input checked="" type="checkbox"/> Right to a jury trial
<input type="checkbox"/> Waiver of appeal rights
<input checked="" type="checkbox"/> Government provides factual basis as set forth in plea agreement |
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| <input checked="" type="checkbox"/> GUILTY plea entered to Count(s) 1 of the <input checked="" type="checkbox"/> indictment

<input checked="" type="checkbox"/> CHARGE: 18 U.S.C. § 1343 Wire Fraud
<input checked="" type="checkbox"/> PSR ordered
<input checked="" type="checkbox"/> Sentencing set for: May 6, 2020 at 1:30 p.m. | <input checked="" type="checkbox"/> Court finds Defendant's plea to be knowing and voluntary and that a factual basis exists for the plea
<input checked="" type="checkbox"/> Defendant adjudged guilty

<input type="checkbox"/> FPT and JT dates removed from court calendar |
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☒ Detention continued; or ☐ Bond continued: ☐ as previously set, or ☐ as modified:

Mr. Sanders advises the Court that the loss amount is still being discussed. The amount will affect the guideline range in this matter.

3:18 p.m. – Mr. Sanders addresses the Court regarding detention. Mr. Sanders presents argument for release. The defendant has accepted responsibility for the crime. The defendant will pay restitution prior to sentencing. The funds are in Mr. Sanders' law firm's trust account. Mr. Shim has an agreed upon resolution of the Colorado case. If the defendant is released in this matter he will appear in Colorado to enter a plea in that case. Additionally, a property bond can be posted. Mr. Sanders states that he is not aware of any pending cases pending in Miami, Florida. The financial danger to the community and risk of flight can be mitigated. The defendant is able to work from jail. Defendant would live with his parents in De Pere. The defendant has no criminal history.

3:24 p.m. – The government presents argument with respect to detention. Defendant has admitted guilt.

Mr. Roach presents case history.

3:33 p.m. – Mr. Sanders explains its version of events. The loss amount is still at issue and the restitution amount may be decreased.

3:37 p.m. – The Court notes that there is no longer a presumption of innocence. The Court reviews applicable law. The Court denies the motion. Detention continued.